

AS
Sch
BIR
Wnt

65. (Original) The apparatus of claim 64, wherein the communication device provides active or passive auditory protection.

66. (Original) The apparatus of claim 12, wherein the radio frequency magnetic field unit includes a top-half and a bottom-half, the top-half capable of being mechanically attached and detached to the bottom-half at the first side aperture or the second side aperture.

REMARKS

Applicant has reviewed and considered the Office Action dated November 21, 2002, and the documents cited therewith.

Claims 1-3, 9, 12, 16-20 and 60 are amended. Applicant submits that, the claim amendments are supported by various portions of the specification, including the portion amended herein at page 9 between line 17 and line 18. Applicant respectfully submits that support for the amended portion page 9 between line 17 and line 18 is drawn from U.S. Patent No. 5,557247 at column 2, lines 1-5 and lines 24-28. U.S. Patent No. 5,557247 is incorporated by reference in the instant application at page 14. In addition, support for at least one amendment is found in the specification at, for example, the portions at page 8, line 25 et. seq. No claims are cancelled. No claims are added.

Claims 1-66 remain pending in this application and each are believed to be in condition for allowance. Notification of allowance is respectfully requested.

The title of the present subject matter is amended to more clearly indicate the invention to which the claims are directed.

Office Action Item 1

The drawings were objected to under 37 CFR 1.83(a). Applicant herewith submits additional drawings and accompanying specification amendments to include capacitors, inductance and impedance.

The specification is amended at page 15 between lines 1 and 2 to provide a description of Figs. 5A, 5B, 5C, 5D, 6A and 6B. A first portion of the additional text is drawn from U.S. Patent

No. 5,557247 at column 12, lines 15-36 and a second portion of the additional text is drawn from page 2 of U.S. Provisional Application Serial No. 60/222,144, incorporated by reference on page 1 of the instant application. It is believed that no new matter is introduced herewith. Applicant respectfully requests entry of the specification amendments. In addition, the specification is amended beginning at page 2, line 21, to provide a brief description of the drawings. Support for the amendment is drawn from U.S. Patent No. 5,557247 at column 3, lines 11, 12, 30 and 31.

Newly presented drawings marked Figs. 5A, 5B, 5C, 5D, 6A and 6B correspond to Figs 1a, 1b, 1c, 1d, 8a and 8b of U.S. Patent No. 5,557247. It is believed that no new matter is introduced herewith. Applicant respectfully requests entry of Figs. 5A, 5B, 5C, 5D, 6A and 6B.

Withdrawal of the objection is respectfully requested.

Office Action Item 2

The Office Action included an objection to the drawings as failing to comply with 37 CFR 1.84(p)(5) because, it was asserted, they do not include the following reference sign(s) mentioned in the description: #126. Applicant has amended the specification to clarify the disclosure.

Withdrawal of the objection is respectfully requested.

Office Action Item 3

The Office Action included an objection to the drawings as failing to comply with 37 CFR 1.84(p)(4) because, it was asserted, reference characters "214" and "204" both are pointing to the same part, however both have been used to designate the current element and aperture.

Applicant has amended the lead line associated with reference numeral 214 of Fig. 2A to more clearly indicate the second group of current elements appearing in the figure. In addition, the lead line associated with reference numeral 212 is amended to more clearly indicate the first group of current elements. Thus, it is believed that reference numerals 214 and 204, as well as 212, are properly presented in the specification as well as in the figures. Applicant respectfully requests entry of the amendment to Fig. 2A.

Withdrawal of the objection is respectfully requested.

§ 102 Rejection of the Claims

Office Action Item 6

Claims 1, 9-15, 20-60, 63 and 66 were rejected under 35 USC ' 102(b) as being anticipated by Srinivasan et al. (U.S. 6,029,082, hereinafter "Srinivasan '082"). Applicant respectfully traverses the rejection and submits that prima facie anticipation has not been established for various reasons, including those presented below.

Unlike Srinivasan '082, the claimed subject matter includes transmission line elements. Each transmission line element includes two or more conductors. See, for example, a representative current element at Fig. 4 and the discussion on page 14 at line 19 et. seq. In one embodiment, the current element includes an inside conductor and an outside conductor. In contrast, Applicant is unable to find, in Srinivasan '082, a transmission line segment. In Srinivasan '082, reference numeral 94, appearing in Figs. 2 and 4, does not appear to include a transmission line.

In addition, the current flow in the claimed subject matter is distinguishable from that of Srinivasan '082. In the claimed subject matter, for each transmission line, current flows on both conductors. In Srinivasan '082, on the other hand, current flowing on an element 94 is returned by current flowing in each of the end rings (elements 90 and 92). The present subject matter does not rely on end rings for current flow. Within each current element of the present subject matter, the current flow is distributed on the first current path and on a parallel return current path.

As to claims 1 and 60, and notwithstanding the amendments of each, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. For example, in Srinivasan '082, Applicant is unable to find a teaching or suggestion wherein each current element includes a transmission line segment, as recited in claim 1 and claim 60.

Reconsideration and allowance of claims 1 and 60 is respectfully requested.

Office Action Item 7

As to claims 9 and 12, and notwithstanding the amendments of each, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or

suggest all elements recited in the claims. For example, in Srinivasan '082, Applicant is unable to find a teaching or suggestion wherein each current element includes a transmission line segment, as recited in claim 9 and claim 12.

Reconsideration and allowance of claims 9 and 12 is respectfully requested.

Office Action Items 8 and 9

As to claims 10 and 11, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claims 10 and 11, ultimately depend from independent claim 9, and are believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claims 10 and 11 is respectfully requested.

Office Action Items 10, 11 and 12

As to claims 13, 14 and 15, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claims 13, 14 and 15, ultimately depend from independent claim 12, and are believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claims 13, 14 and 15 is respectfully requested.

Office Action Item 13

As to claim 20, and notwithstanding the amendment, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claim. For example, in Srinivasan '082, Applicant is unable to find a teaching or suggestion wherein each current element includes a transmission line segment, as recited in claim 20.

Reconsideration and allowance of claim 20 is respectfully requested.

Office Action Items 14-37

As to claims 21-59, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claims 21-59, ultimately depend from independent claim 1, and are believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claims 21-59 is respectfully requested.

Office Action Item 38

As to claim 63, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claim 63, ultimately depends from independent claim 9, and is believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claim 63 is respectfully requested.

Office Action Item 39

As to claim 66, Applicant respectfully traverses the rejection and submits that Srinivasan '082 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claim 66, ultimately depends from independent claim 12, and is believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claim 66 is respectfully requested.

Office Action Item 40

Claims 2-8 and 16-19 were rejected under 35 USC § 102(e) as being anticipated by Srinivasan et al. (U.S. 6,150,816, hereinafter "Srinivasan '816"). Applicant respectfully traverses the rejection and submits that prima facie anticipation has not been established for various reasons, including those presented below.

Office Action Item 41

As to claim 2, and notwithstanding the amendment, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claim. For example, in Srinivasan '816, Applicant is unable to find a teaching or suggestion wherein each current element includes a transmission line segment, as recited in claim 2.

Reconsideration and allowance of claim 2 is respectfully requested.

Office Action Item 42

As to claim 3, and notwithstanding the amendment, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claim. In addition, Applicant submits that claim 3, ultimately depends from independent claim 2, and is believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claim 3 is respectfully requested.

Office Action Items 43-47

As to claims 4-8, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claim. In addition, Applicant submits that claims 4-8, ultimately depend from independent claim 2, and each is believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claims 4-8 is respectfully requested.

Office Action Item 48

As to claims 16 and 18, and notwithstanding the amendments, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claims. For example, in Srinivasan '816, Applicant is unable to find a teaching or suggestion wherein each current element includes a transmission line segment, as recited in claims 16 and 18.

Reconsideration and allowance of claim 16 and claim 18 is respectfully requested.

Office Action Item 49

As to claim 17 and 19, and notwithstanding the amendments, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claims. In addition, Applicant submits that claim 17 and claim 19, each ultimately depends from independent claims 16 and 18, respectively, and each is believed to be in condition for allowance for various reasons, including those described above.

Reconsideration and allowance of claim 17 and claim 19 is respectfully requested.

§ 103 Rejection of the Claims

Office Action Item 52

Claims 61, 62, 64 and 65 were rejected under 35 USC ' 103(a) as being unpatentable over Srinivasan et al. (U.S. 6,029,082). Applicant respectfully traverses the rejection and submits that prima facie obviousness has not been established for various reasons, including those presented below.

As to claims 61 and 62, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claims. Claim 61 and claim 62, each ultimately depends from independent claim 1 and each is believed to be in condition for allowance for various reasons, including those described above.

Applicant respectfully submits that the Office Action does not set forth a motivation or suggestion to combine Srinivasan '816 with the knowledge of one of ordinary skill in the art. The Office Action asserted that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan for the purpose of giving the patient a less-claustrophobic environment by allowing to see outside the apparatus through a mirror." Applicant, however, respectfully traverses this asserted motivation and submits that such reasoning does not support the addition of a mirror or prism mounted over the window or aperture, as recited in claims 61 and 62. Furthermore, Applicant is unable to find, and the Office Action does not identify, a suggestion as to the desirability, either in Srinivasan '816 or in the knowledge generally available to an art worker, of modifying the document as described or to combine teachings as suggested. See In Re Sang Su Lee, No. 00-1158 (Serial No. 07/631,240),

(Fed. Cir.), decided January 18, 2002. For these and other reasons, it appears that prima facie obviousness has not been established, and therefore, the rejection is improper.

Reconsideration and allowance of claim 61 and claim 62 is respectfully requested.

Office Action Items 53 and 54

As to claims 64 and 65, Applicant respectfully traverses the rejection and submits that Srinivasan '816 does not appear to teach or suggest all elements recited in the claims. Claim 64 and claim 65, each ultimately depends from independent claim 9 and each is believed to be in condition for allowance for various reasons, including those described above.

Applicant respectfully submits that the Office Action does not set forth a motivation or suggestion to combine Srinivasan '816 with the knowledge of one of ordinary skill in the art. As to claims 64 and 65, the Office Action asserted that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan for the purpose of improving the examination of the subject by allowing the communication between the patient and the operator since the operator will be able to instruct the patient inside the bore."

Applicant, however, respectfully traverses this asserted motivation and submits that such reasoning is not supported by the specification. Applicant is unable to find, and the Office Action does not identify, a suggestion as to the desirability, either in Srinivasan '816 or in the knowledge generally available to an art worker, of modifying the document as described or to combine teachings as suggested. See In Re Sang Su Lee, No. 00-1158 (Serial No. 07/631,240), (Fed. Cir.), decided January 18, 2002. For these and other reasons, it appears that prima facie obviousness has not been established, and therefore, the rejection is improper.

Reconsideration and allowance of claim 64 and claim 65 is respectfully requested.

Conclusion

Applicant respectfully submits that the pending claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6911) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

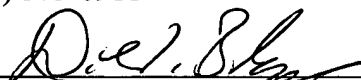
Respectfully submitted,

J. T. Vaughan Jr. et al.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6911

Date February 21, 2003

By 

David W. Black
Reg. No. 42,331

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 21st day of February, 2003.

Name Dawn M. Poole

Signature 